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DATE: August 17, 2006  
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Examiner: **Todd D. Ingberg**  
U.S.P.T.O. Group Art Unit: **2193**  
Telecopier No.: **571-273-3723 and 571-273-8300**  
U.S. Serial No.: **09/970,409**  
Client/Matter No.: **MSFT-4160 / 37779.03**  
Sender's Name: **Christina Laigo on behalf of Michael J. Swope**  
Pages to Follow: **7**

If transmission is not complete, please call our **Seattle Office** at (206) 332-1380.

COVER MESSAGE:

**OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.**

Attached hereto is/are the following documents:

- 1) Reply Transmittal Letter
- 2) Terminal Disclaimer

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYER OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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T-123 P.002/008 F-618

AUG 17 2006

DOCKET NO.: MSFT-4160 / 37779.03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Matthew Shulman, Matthew James  
Curland, Martin Cibulka, and David  
Anthony Sobeski

Confirmation No.: 2545

Application No.: 09/970,409

Group Art Unit: 2193

Filing Date: October 3, 2001

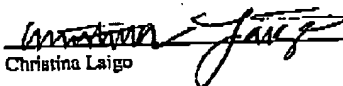
Examiner: Todd D. Ingberg

For: **COMPUTER PROGRAMMING LANGUAGE STATEMENT BUILDING AND  
INFORMATION TOOL**

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: August 17, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE PATENT AND  
TRADEMARK OFFICE TO FACSIMILE NUMBER 571-  
273-3723 and 571-273-8300 ON THE DATE LISTED  
ABOVE.

  
Christina Laigo

☒ MS Amendment ☐ MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☐ An Amendment Responsive to the Office Action Dated May 3, 2006.
- ☐ An Amendment Supplemental to the Paper filed .
- ☐ A Substitute Specification (pages 1 - ) in clean form.
  - ☐ A substitute specification (pages 1 - ) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures .

**DOCKET NO.: MSFT-4160 / 37779.03**

**PATENT**

- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.
  - ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
  - ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Assignee Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
  - ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☒ A Terminal Disclaimer is attached in response to interview summary dated, August 16, 2006.
- ☐ Appendices as follows:
- ☐ Other
- ☐ No Additional Fee is Due.
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

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PATENT

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS	15	20	0	\$25 EACH	\$	\$50 EACH	\$0.00
INDEP. CLAIMS	9	9	0	\$100 EACH	\$	\$200 EACH	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
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<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input checked="" type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$130.00
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$130.00

- ☐ A check in the amount of \$\_\_\_\_.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$130.00. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of \_\_\_\_\_ to and through \_\_\_\_\_ comprising an extension of the shortened statutory period of \_\_\_\_\_ month(s).

BEST AVAILABLE COPY

Page 3 of 4

**DOCKET NO.: MSFT-4160 / 37779.03**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Matthew Shulman, Matthew James**

**Curland, Martin Cibulka and David**

**Anthony Sobeski**

**Application No.: 09/970,409**

**Filing Date: October 3, 2001**

**Confirmation No.: 2545**

**Group Art Unit: 2193**

**Examiner: Todd D. Ingberg**

**For: COMPUTER PROGRAMMING LANGUAGE STATEMENT BUILDING AND  
INFORMATION TOOL**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

**DATE: August 17, 2006**

**I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE PATENT AND  
TRADEMARK OFFICE TO FACSIMILE NUMBER 571-  
273-3723 and 571-273-8300 ON THE DATE LISTED  
ABOVE.**

  
Christina Laigo

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OF A PENDING SECOND APPLICATION**

The owner, **Microsoft Corporation**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 6,311,323, filed on September 7, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it

**DOCKET NO.: MSFT-4160 / 37779.03 - 2 -****PATENT**

with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

*Check either box 1 or 2 below, if appropriate.*

- ☐ 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
- ☐ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- ☒ 2. The undersigned is an attorney of record.

DOCKET NO.: MSFT-4160 / 37779.03 - 3 -

PATENT

FEE STATUS

☐ 3. Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

☐ 4. Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:

☐ an Independent Inventor

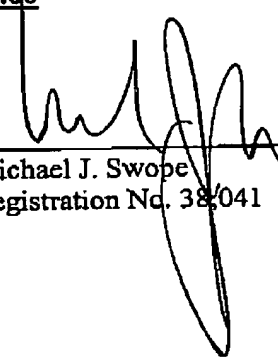
☐ a Small Business Concern

☐ a Nonprofit Organization

☐ Small Entity - \$65.00

☒ 5. Other than a Small Entity - \$130.00

Date: August 17, 2006

  
\_\_\_\_\_  
Michael J. Swope  
Registration No. 38,041

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